

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO.819 OF 2015
IN
APPEAL NO.806 OF 2006
IN
SUIT NO.2208 OF 1987**

Mamta Lachmandas Makhija and Anr.	...	Applicants
in the matter of		
Lachamandas Bhojraj Makhija and Anr.	...	Appellants
and		
Janki Bhojraj Makhija and Ors.	...	Respondents

**WITH
NOTICE OF MOTION NO.1569 OF 2014
IN
APPEAL NO.806 OF 2006
IN
SUIT NO.2208 OF 1987**

Janki Bhojraj Makhija and Ors.	...	Applicants
in the matter of		
Lachamandas Bhojraj Makhija and Anr.	...	Appellants
and		
Janki Bhojraj Makhija and Ors.	...	Respondents

Mr. Ramchandra N. with Mr. Tejjas P. shah i/by Narayanan and Narayanan, for Applicants.

Mr. Satyan N. Vaishnav with Ms. Nupur J. Mukherjee i/by M/s. N.N.Vaishnawa and Co., for Respondent Nos.1 and 2.

**CORAM: AKIL KURESHI &
S.J. KATHAWALLA, JJ.**

DATE: 22nd AUGUST, 2019

P.C.:

1. The above Chamber Summons is taken out by the Applicants seeking an order setting aside the abatement of the

Appeal and seeking condonation of delay in filing the Appeal. It is further prayed that the Applicants who are the legal heirs of deceased Appellant No.1 be allowed to be brought on record. For reasons set out in the Affidavit in support of the Chamber Summons and also in view of the consent given by the Advocate appearing for Respondent Nos.1 and 2, the Chamber Summons is allowed in terms of prayer clauses (a), (b) and (c) which are reproduced hereunder :

“(a) That the abatement if any, of the Appeal be set aside and any delay of 150 days in making the application in the facts and circumstances set forth be condoned;

(b) That the Applicants herein be joined as Appellant Nos.1 and 2;

(c) That leave be granted to carry out all consequential amendments;”

2. The Chamber Summons is accordingly disposed of.
3. In view of this order, Notice of Motion No.1569 of 2014 taken out by the Respondent Nos.1 and 2 stands disposed of.
4. Appeal be placed for hearing on 19th September, 2019.

(S.J.KATHAWALLA, J.)

(AKIL KURESHI, J.)